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GJS DJ (Prelims)

Previous Year Paper

Paper-I 11 Jun, 2023





Preliminary Examination

DJ-2023 I TOTAL MARKS = 100 DATE: 11-06-2023 TIME: 9.30 AM - 11.30 AM

Q 1. As per Section 2(14) of the Code of Civil Procedure, 'order' means the formal expression of any decision of a Civil Court which ____

- (A) is a decree
- (B) is a judgement
- (C) is not a decree
- (D) is a preliminary decree

Q 2. Which out of the following provision of the Code of Civil Procedure provides that agents and tenants may not institute interpleader suits?

- (A) Section 87
- (B) Section 90
- (C) Order XXXV, Rule 3
- (D) Order XXXV, Rule 5

Q 3. As per Section 11 of the Indian Evidence Act, facts not otherwise relevant are relevant ____

- (A) if they are inconsistent with any fact in issue or relevant fact
- (B) if by themselves or in connection with other facts they make the existence or non-existence of any fact in issue or relevant fact highly probable or improbable
- (C) if the facts from the documents speak for itself
- (D) both (A) and (B)

Q 4. As per Section 26 of the Indian Evidence Act, no confession made by any person whilst he is in the custody of a police officer, unless it be made ____ shall be proved as against such person.

- (A) before the Magistrate and in presence of his lawyer
- (B) before the Chief Judicial Magistrate
- (C) before the Magistrate and in presence of I.O.
- (D) in the immediate presence of a Magistrate

Q 5. A minor, who has been admitted to the benefits of the partnership, under Section 30(5) of the Indian Partnership Act, on attaining majority, has to exercise an option to stay or leave the firm within

- (A) one month of attaining majority
- (B) six months of attaining majority
- (C) 90 days of attaining majority
- (D) 1 year of attaining majority

- Q 6. In which section of the Negotiable Instruments Act, 'holder in due course' is defined?
- (A) Section 7
 - (B) Section 9
 - (C) Section 10
 - (D) Section 13
- Q 7. Dishonestly receiving stolen property is punishable under Section _____ of the Indian Penal Code.
- (A) 411
 - (B) 415
 - (C) 410
 - (D) 414
- Q 8. Which one of the following is not correctly matched as per the Code of Criminal Procedure?
- (A) Section 2(b) - Charge
 - (B) Section 2(h) - Investigation
 - (C) Section 2(r) - Police Report
 - (D) Section 2(w) - Victim
- Q 9. Confessional Statement under Section 164 of the Code of Criminal Procedure can be recorded _____
- (A) during the course of investigation or at any time afterwards before the commencement of the inquiry or trial
 - (B) only during the course of investigation
 - (C) during the course of investigation and till the completion of trial
 - (D) at any time when the accused volunteers
- Q 10. As per Section 60 of the Code of Civil Procedure, which out of the following is/are not liable to attachment or sale?
- (A) books of account
 - (B) a mere right to sue for damages
 - (C) any right of personal service
 - (D) all of the above
- Q 11. Which of the following can be said 'law' within the meaning of Article 13 of the Constitution?
- (A) Rule
 - (B) Notification
 - (C) Ordinance
 - (D) All of the above

- Q 12. Under section 6 of the Specific Relief Act, a person cannot sue for recovering the possession of immovable property —
(A) after the expiry of six months from the date of dispossession
(B) after the expiry of one year from the date of dispossession
(C) after 3 years
(D) after the expiry of twenty four months from the date of dispossession
- Q 13. As per Section 3 of the Transfer of Property Act, 'instrument' means
(A) a testamentary instrument
(B) a non-testamentary instrument
(C) both (A) and (B)
(D) none of the above
- Q 14. As per the Indian Evidence Act, 'fact' means and includes ____
(A) any thing, state of things, or relation of things, capable of being perceived by the senses
(B) any mental condition of which any person is conscious
(C) both (A) and (B)
(D) none of the above
- Q 15. Section ____ of the Indian Penal Code relates to punishment for culpable homicide not amounting to murder.
(A) 304
(B) 304A
(C) 304B
(D) 305
- Q 16. As per Section 6 of the Transfer of Property Act, which out of the following can be transferred?
(A) the chance of an heir-apparent succeeding to an estate
(B) a right to future maintenance
(C) a mere right to sue
(D) none of the above
- Q 17. Which out of the following instruments signed by X can be said to be promissory note/s as per the provision of the Negotiable Instruments Act?
(A) I promise to pay B Rs. 500 and all other sums which shall be due to him
(B) I promise to pay B Rs. 500 seven days after my marriage with C
(C) I promise to pay B or order Rs. 500
(D) I promise to pay B Rs. 500 and to deliver to him my black horse on 1st January next

- Q 18. As per the Indian Contract Act, every promise and every set of promises, forming the consideration for each other is ____
(A) an offer
(B) an agreement
(C) proposal
(D) a contract
- Q 19. Section 299 of the Code of Criminal Procedure provides for ____
(A) dispensing personal attendance of the accused
(B) protection against double jeopardy
(C) witness protection
(D) recording of evidence in absence of accused
- Q 20. As per Section 20 of the Indian Contract Act, where both the parties to an agreement are under a mistake as to a matter of fact essential to the agreement, the agreement is ____
(A) void
(B) voidable
(C) enforceable
(D) a valid contract
- Q 21. Which Section of Indian Evidence Act provides about Hostile Witness?
(A) Section 133
(B) Section 145
(C) Section 154
(D) Section 161
- Q 22. X knowing that Y has murdered Z, assists Y to hide the body with the intention of screening Y from punishment. X is liable to imprisonment of either description for ____
(A) three years and also to fine
(B) one year or fine or both
(C) seven years and also to fine.
(D) none of the above
- Q 23. As per section 5 of the Indian Partnership Act, the relation of partnership arises from contract and ____
(A) mutual understanding
(B) agreed terms of contract
(C) not from status
(D) not from investment made in the firm

- Q 24. As per Section 58 of the Transfer of Property Act, where the mortgagor binds himself to repay the mortgage - money on a certain date, and transfers the mortgaged property absolutely to the mortgagee, but subject to a proviso that he will re-transfer it to the mortgagor upon payment of the mortgage-money as agreed, the transaction is called _____
(A) Simple mortgage
(B) Anomalous mortgage
(C) English mortgage
(D) none of the above
- Q 25. Which of the following in the Code of Civil Procedure deals with the power of the Court to order separate trials?
(A) Order I, Rule 1
(B) Order I, Rule 2
(C) Order I, Rule 3
(D) Order II, Rule 8
- Q 26. X is tried for the murder of Y by beating him with a club with the intention of causing his death. Which of the following fact/s can be said to be in issue at X's Trial?
(A) X's beating Y with the club
(B) X's causing Y's death by such beating
(C) X's intention to cause Y's death
(D) all of the above
- Q 27. In which out of the following, provision is made in the Code of Civil Procedure for substituted service of summons on the defendant/s?
(A) Order V, Rule 19
(B) Order V, Rule 19A
(C) Order V, Rule 20
(D) Order V, Rule 21
- Q 28. As per Section 2(4) of the Sale of Goods Act, 'document of title to goods' includes _____
(A) wharfingers' certificate
(B) railway receipt
(C) dock-warrant
(D) all of the above

- Q 29. As per Order XXI of the Code of Civil Procedure, a decree for restitution of conjugal rights is enforceable by ____
(A) detention in civil prison of the party against whom decree is passed
(B) attachment of property of the party against whom decree is passed
(C) granting relief of a decree of divorce
(D) both (A) and (B)
- Q 30. The maximum amount of fine which can be imposed under Section 138 of the Negotiable Instruments Act is ____
(A) Ten Thousand Rupees
(B) One Lac Rupees
(C) Amount equal to the cheque amount
(D) Twice the amount of cheque
- Q 31. The limitation period for recovery of arrears of rent is ____ from the date arrears become due.
(A) 1 year
(B) 2 years
(C) 3 years
(D) 5 years
- Q 32. By which of the following Amendment Act in Constitution, voting age was reduced from 21 years to 18 years?
(A) 42nd Amendment Act
(B) 46th Amendment Act
(C) 61st Amendment Act
(D) 57th Amendment Act
- Q 33. As per Section 4 of the Sale of Goods Act, a contract of sale may be ____
(A) absolute
(B) conditional
(C) temporary
(D) either (A) or (B)
- Q 34. As per Section 122 of the Transfer of Property Act, if the donee dies before the acceptance, the gift is ____
(A) valid
(B) void
(C) voidable
(D) enforceable

- Q 35. As per Section 55 of the Indian Penal Code, in every case in which sentence of imprisonment for life is passed, the appropriate Government may, commute the punishment for imprisonment of either description for a term not exceeding
(A) fourteen years
(B) ten years
(C) twenty years
(D) seven years
- Q 36. X owes Y Rs. 1000/-, but the debt is barred by the Limitation Act. X signs a written promise to pay Y Rs. 500/- on account of the debt. This is ____
(A) a mere promise
(B) an invalid agreement
(C) a contract
(D) none of the above
- Q 37. X instigates B to murder C. B refuses to do so. X is ____
(A) said to have committed no offence as B did not murder C
(B) guilty of an attempt to murder
(C) guilty of conspiracy with B to commit murder
(D) guilty of abetting B to commit murder
- Q 38. Provision relating to 'Precepts' is found in Section ____ of the Code of Civil Procedure.
(A) 40
(B) 44A
(C) 45
(D) 46
- Q 39. Considering Order I, Rule 9 of the Code of Civil Procedure, a suit may be defeated due to ____
(A) non-joinder of a necessary party
(B) mis-joinder of any party
(C) non-payment of court fees
(D) none of the above
- Q 40. Judgement on admissions can be given ____
(A) under Order XII, Rule 2 of the Code of Civil Procedure
(B) under Order XII, Rule 4 of the Code of Civil Procedure
(C) under Order XII, Rule 6 of the Code of Civil Procedure
(D) under Order X, Rule 12 of the Code of Civil Procedure

- Q 41. As per Section 40 of the Indian Partnership Act, a firm may be dissolved ____
(A) with the consent of all the partners
(B) in accordance with a contract between the partners
(C) registered deed of dissolution of partnership firm
(D) either (A) or (B)
- Q 42. Section 69 of the Indian Partnership Act deals with ____
(A) rules of evidence
(B) inspection of register and filed documents
(C) effect of non-registration of firm
(D) procedure for registration of firm
- Q 43. Conduct of an accused is relevant under Section ____ of the Indian Evidence Act.
(A) 10
(B) 8
(C) 11
(D) 12
- Q 44. Section ____ of the Code of Criminal Procedure relates to right of arrested person to meet an advocate of his choice during interrogation.
(A) 41C
(B) 41B
(C) 41D
(D) 41E
- Q 45. The opinion of an expert person is relevant under Section ____ of the Indian Evidence Act.
(A) 46
(B) 47
(C) 45
(D) 48
- Q 46. The plaintiff in a suit for perpetual injunction under section 38 of the Specific Relief Act or mandatory injunction under section 39 of the said Act may claim damages ____ such injunction.
(A) in addition to or in substitution for
(B) proportionate to relief for
(C) with interest at the market rate with relief for
(D) as a matter of right alongwith relief for

- Q 47. Which out of the following is the correct meaning of legal maxim - Nullus Commodum Capere Potest De Injuria Sua Propria
(A) No man can take advantage of his own wrong
(B) Injury cannot be voluntary
(C) No suit lies for the injury which is negligible
(D) No suit lies in protest against the common law
- Q 48. As per Section 45 of the Sale of Goods Act, the seller of goods is deemed to be an 'unpaid seller' ____
(A) when the whole of the price has not been paid or tendered
(B) when negotiable instrument is received as conditional payment and the condition on which it was received is not fulfilled by the reason of dishonour of instrument
(C) both (A) and (B)
(D) none of the above
- Q 49. Section 74 of the Indian Evidence Act deals with ____
(A) testamentary document
(B) certified copy of public document
(C) private document
(D) public document
- Q 50. Facts forming part of the same transaction are relevant under ____
(A) section 6 of the Indian Evidence Act
(B) section 5 of the Indian Evidence Act
(C) section 7 of the Indian Evidence Act
(D) section 8 of the Indian Evidence Act
- Q 51. Article 22 of the Constitution provides for ____
(A) protection in respect of conviction for offences
(B) protection against arrest and detention in certain cases
(C) prohibition of traffic in human beings and forced labour
(D) none of the above
- Q 52. Considering Section 29 of the Indian Penal Code, which out of the following can be said to be 'document'?
(A) a cheque upon a banker
(B) power-of-attorney
(C) a writing containing directions or instructions
(D) all of the above

- Q 53. As per Section 83 of the Indian Penal Code, nothing is an offence which is done by a child _____ who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.
- (A) above seven years of age and under twelve
(B) above seven years of age and under fourteen
(C) above seven years of age and under sixteen
(D) above seven years of age and under fifteen
- Q 54. As per Article 18 of the Constitution, no person holding any office of profit or trust under the State shall _____ accept any present, emolument or office of any kind from or under any foreign State.
- (A) without the consent of the Ministry of External Affairs
(B) without the consent of the Governor of the State
(C) without the consent of the Prime Minister
(D) without the consent of the President
- Q 55. Article 21 of the Constitution provides that no person shall be deprived of _____
- (A) his life or personal liberty except according to procedure established by law
(B) his life and personal liberty except according to procedure established by law
(C) his own life and personal liberty except according to prescribed law
(D) his life and liberty except according to procedure established by law
- Q 56. As per Section 142 of the Indian Evidence Act, the Court shall permit leading questions as to matters which are _____
- (A) introductory or undisputed
(B) which in its opinion have been already sufficiently proved
(C) both (A) and (B)
(D) none of the above
- Q 57. Preamble to the Constitution provides for promotion among all citizens, _____
- (A) JUSTICE, social, economic and political
(B) LIBERTY of thought, expression, belief, faith and worship
(C) FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation
(D) All of the above

Q 58. For the purpose of the Limitation Act, which of the following claims shall be treated as separate suit?

- (A) set-off
- (B) counter-claim
- (C) both (A) and (B)
- (D) none of the above

Q 59. Under section 2(b) of the Indian Partnership Act, 'business' includes

- (A) trade only
- (B) registered trade and occupation
- (C) every trade, occupation and profession
- (D) none of the above

Q 60. As per Section 2(7) of the Sale of Goods Act, 'goods' means every kind of movable property other than _____

- (A) actionable claim
- (B) money
- (C) stock and shares
- (D) both (A) and (B)

Q 61. Section 32 of the Indian Partnership Act, relates to _____

- (A) retirement of a partner
- (B) induction of new partner
- (C) liability of the partnership firm
- (D) none of the above

Q 62. The general power to transfer suits under Section 24 of the Code of Civil Procedure is granted to _____

- (A) High Court
- (B) District Court
- (C) Supreme Court
- (D) Both (A) and (B)

Q 63. As per Section 25A of the Code of Criminal Procedure, appointment as a Director of Prosecution shall be made with the concurrence of

- (A) Council of Ministers
- (B) Leader of the opposition party
- (C) Advocate General
- (D) Chief Justice of the High Court

- Q 64. Which out of the following provision of the Code of Civil Procedure relates to setting aside decree ex-parte against defendants?
- (A) Order IX, Rule 7
(B) Order IX, Rule 11
(C) Order IX, Rule 13
(D) Order IX, Rule 12
- Q 65. As per Section 31 of the Indian Evidence Act, admissions are not conclusive proof of the matters admitted, but they may operate as _____.
(A) Estoppels
(B) Res gestae
(C) Res judicata
(D) None of the above
- Q 66. The limitation period to file a suit by a mortgagee for possession of immovable property mortgaged is ____ from the date when the mortgagee becomes entitled to possession.
(A) three years
(B) twelve years
(C) thirty years
(D) one year
- Q 67. Section ____ of the Protection of Women from Domestic Violence Act relates to power to grant interim and ex-parte orders.
(A) 21
(B) 21
(C) 23
(D) 24
- Q 68. Section 41 of the Transfer of Property Act relates to _____.
(A) transfer by ostensible owner
(B) transfer by one co-owner
(C) conditional transfer
(D) transfer by partnership firm
- Q 69. As per Indian Penal Code, in all robbery there is _____.
(A) dacoity
(B) cheating
(C) mischief
(D) either theft or extortion

- Q 70. As per the Indian Contract Act, a contract by which one party promises to save the other from loss caused to him by the conduct of the promisor himself, or by the conduct of any other person is called _____
- (A) a wagering contract
(B) a contingent contract
(C) a contract of indemnity
(D) a pledge
- Q 71. As per Section 468 of the Code of Criminal Procedure, the period of limitation shall be _____ years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.
- (A) one
(B) two
(C) three
(D) six
- Q 72. As per Section 59 of the Indian Evidence Act, all facts, except _____ may be proved by oral evidence.
- (A) admitted facts
(B) irrelevant facts
(C) confessional facts
(D) the contents of documents or electronic records
- Q 73. Which out of the following is the correct meaning of legal maxim - Ex Dolo Malo Non Oritur Actio
- (A) No action can be initiated against former ruler
(B) A stale claim cannot be entertained
(C) A right of action cannot arise out of fraud
(D) Mens rea is essential for committing a crime
- Q 74. Which of the following Order of Code of Civil Procedure is related to Set-off and Counter-claim?
- (A) Order VI
(B) Order VIII
(C) Order VII
(D) Order IX
- Q 75. The maximum period for which an Order can be passed for keeping an offender in solitary confinement as per Section 73 of Indian Penal Code is _____
- (A) one month
(B) two months
(C) three months
(D) six months

- Q 76. As per Section 320 of the Indian Penal Code, which out of the following kinds of hurt is/are designated 'grievous.'
- (A) Emasculation
 - (B) Privation of any member or joint
 - (C) fracture or dislocation of a bone or tooth
 - (D) all of the above
- Q 77. The concept of equal justice and free legal aid takes it's root from which Article of the Constitution of India?
- (A) Article 39
 - (B) Article 30
 - (C) Article 38
 - (D) Article 39A
- Q 78. The question is as to the date of A's birth. An entry in the diary of a deceased surgeon regularly kept in the course of business, stating that, on a given day he attended A's mother and delivered her of a son, is a ____
- (A) disputed fact
 - (B) irrelevant fact
 - (C) relevant fact
 - (D) no fact
- Q 79. Goodwill of a partnership business is the property of the partnership firm under section ____ of the Indian Partnership Act.
- (A) 13
 - (B) 14
 - (C) 12
 - (D) 11
- Q 80. Several persons may be Charged jointly and tried together as provided in Section ____ of the Code of Criminal Procedure.
- (A) 221
 - (B) 222
 - (C) 223
 - (D) 222A
- Q 81. As per Section 311 of the Code of Criminal Procedure, any Court may ____ summon any person as a witness if his evidence appears to it to be essential to the just decision of the case.
- (A) at any stage of any inquiry, trial or other proceeding under the Code of Criminal Procedure
 - (B) at the stage of prosecution evidence
 - (C) at the stage of evidence of defence side
 - (D) on an application of I.O. before recording the statement under section 313 of the Code

- Q 82. As per Section 19 of the Indian Partnership Act, the implied authority of a partner does not empower him to ____
(A) acquire immovable property on behalf of the firm
(B) open a banking account on behalf of the firm in his own name
(C) enter into partnership on behalf of the firm
(D) all of the above
- Q 83. As per Section 174A of the Indian Penal Code, if a proclaimed offender fails to appear at the specified place and time, he shall be punished with imprisonment for a term ____
(A) which may extend to three years or with fine
(B) which may extend to seven years and shall also be liable to fine
(C) which may extend to seven years or with fine which may extend to fifty thousand rupees
(D) which may extend to 1 year with fine
- Q 84. As per Section 72 of the Transfer of Property Act, a mortgagee may spend such money as is necessary ____
(A) for the preservation of the mortgaged property from destruction, forfeiture or sale
(B) for supporting the mortgagor's title to the property
(C) for making his own title thereto good against the mortgagor
(D) all of the above
- Q 85. In which out of the following instance/s, wife is disentitled to receive allowance for maintenance from her husband as per Section 125(4) of the Code of Criminal Procedure.
(A) wife living in adultery
(B) wife without any sufficient reason refusing to live with her husband
(C) wife and husband living separately by mutual consent
(D) all of the above
- Q 86. As per Section 321 of the Code of Criminal Procedure, the Public Prosecutor with the consent of the Court, ____ withdraw from the prosecution of any person.
(A) at any time before the final arguments are heard
(B) at any time before the recording of statement under section 313 of Cr.P.C.
(C) at any time before the judgement is pronounced
(D) at any time when the State accords sanction

- Q 87. X, under the influence of passion excited by a provocation given by Z intentionally kills, Y, Z's child. This is _____
(A) culpable homicide not amounting to murder
(B) a case of exception to murder due to provocation by Z
(C) murder
(D) a case of self defence
- Q 88. Which out of the following is/are true considering Section 96 of the Code of Civil Procedure?
(A) an appeal may lie from an original decree passed ex parte
(B) no appeal shall lie from a decree passed by the Court with the consent of parties
(C) Both (A) and (B)
(D) none of the above
- Q 89. As per Section 43 of the Indian Penal Code, a person is said to be 'legally bound to do' whatever _____
(A) it is expected from a prudent man to do
(B) it is his assigned duty
(C) it is illegal in him to omit
(D) it is his legal obligation
- Q 90. As per the Limitation Act, a decree granting a mandatory injunction can be enforced within a period of _____
(A) 3 years
(B) one year
(C) six months
(D) 12 years
- Q 91. Which out of the following contract/s cannot be specifically enforced as per Section 14 of the Specific Relief Act.
(A) where a party to the contract has obtained substituted performance of contract in accordance with provision of Section 20
(B) a contract which is in its nature determinable
(C) both (A) and (B)
(D) none of the above
- Q 92. X agrees to sell to Y 'my white horse for rupees five hundred or rupees one thousand'. In view of Section 29 of the Indian Contract Act, the agreement is _____
(A) enforceable
(B) voidable
(C) void
(D) none of the above

Q 93.

As per Section 103 of the Indian Penal Code, the right of private defence of property extends to the voluntary causing of death to the wrong doer in which out of the following occasion/s?

- (A) Robbery
- (B) House - breaking by night
- (C) Mischief by fire committed on a building used as a human dwelling
- (D) all of the above

Q 94.

As per Section 38 of the Code of Civil Procedure, a decree may be executed ____

- (A) either by the Court which passed it or by the Court to which it is sent for execution
- (B) by the Court where the defendant resides
- (C) only by the Court which passed it
- (D) by the Court where the decree holder resides

Q 95.

As per the Indian Contract Act, a proposal is revoked ____

- (A) by the communication of notice of revocation by the proposer to the other party
- (B) by the lapse of the time prescribed in such proposal for its acceptance
- (C) by the failure of the acceptor to fulfill a condition precedent to acceptance
- (D) all of the above

Q 96.

Under which of the following provisions of Code of Civil Procedure, a plaint which does not disclose a cause of action is rejected by the Court?

- (A) Order VII, Rule 11(f)
- (B) Order VII, Rule 11(b)
- (C) Order VII, Rule 11(d)
- (D) Order VII, Rule 11(a)

Q 97.

As per Section 84 of the Code of Criminal Procedure, claim is to be preferred or objection is to be made to attachment of property within ____ from the date of attachment.

- (A) One month
- (B) Six months
- (C) Three months
- (D) None of the above

- Q 98. As per Section 2(12) of the Code of Civil Procedure, 'mesne profits' of property are profits received by the person in ____
(A) wrongful possession of such property
(B) unlawful possession of such property
(C) lawful possession of such property
(D) long possession of such property
- Q 99. As per Section 211 of the Code of Criminal Procedure, Charge shall be written in ____
(A) the language which the accused understands
(B) the language which the victim/complainant understands
(C) the language in which the Chargesheet is submitted
(D) the language of the Court
- Q 100. In Indian Contract Act, 'contingent contract' is defined under ____.
(A) Section 30
(B) Section 31
(C) Section 37
(D) Section 36

